

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

137

**CRM-M-28987-2020
Date of decision: 25.03.2021**

Hardeep SinghPetitioner
Versus

State of Punjab and anotherRespondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Gursimran Singh, Advocate for
Mr. Ranjan Lakhanpal, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab
for respondent No.1.

Ms. Navjot Kaur, Advocate
for respondent No.2.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

Petitioner-**Hardeep Singh** has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.108 dated 10.05.2020 registered under Sections 498-A and 406 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station City-I, Sangrur (**Annexure P-1**) along with all consequential proceedings arising therefrom in view of the compromise dated 19.08.2020 (**Annexure P-2**) effected with respondent No.2-**Navjot Kaur**.

Respondent No.2-Navjot Kaur made complaint to the Senior Superintendent of Police, Sangrur alleging that her marriage was solemnized with Hardeep Singh (the petitioner) on 14.11.2016 at Sangrur. Hardeep Singh (the petitioner), Dayal Singh (father-in-law),

Jasbir Singh (brother-in-law) and Surinder Kaur wife of Jasbir Singh (sister-in-law) treated her with cruelty and criminally misappropriated her dowry articles as mentioned in the complaint. In view of the report of Deputy Superintendent of Police, P.B.I. Crime against Women and Children, Sangrur above said FIR was registered against the petitioner.

The petitioner has filed the present petition for quashing of the FIR with all consequential proceedings arising therefrom on the grounds that now the matter has been amicably compromised between the parties and they have decided to part their ways.

Vide order dated 28.10.2020, Co-ordinate Bench of this Court directed the private parties to appear before the trial Court/Illaq Magistrate on 10.12.2020 for recording their statements with regard to compromise/settlement and directed the trial Court/Illaq Magistrate to submit report before 02.02.2021 regarding the genuineness and voluntary nature of the compromise.

In compliance of the above said order, learned Chief Judicial Magistrate, Sangrur has recorded the statements of both the parties and submitted report dated 24.12.2020. The relevant part of the same reads as under:-

"Complainant Navjot Kaur has stated that F.I.R. no.108 dated 10.05.2020 under Section 498-A and 406 IPC, Police Station, City-1, Sangrur was got registered by her against accused Hardeep Singh. She has compromised the matter voluntarily with accused named herein above without any threat, pressure or coercion in the above said F.I.R. She alongwith accused Hardeep Singh have filed a joint petition under Section 13-B of Hindu Marriage Act, in which, first motion of statements have already been recorded on 02.09.2020 in the Court of Ms. Jitender Walia

learned Addl. District Judge, Sangrur and same is pending for 03.03.2021 for recording the second motion of statement. She has identified her signatures on the copy of compromise dated 19.08.2020 Mark-A effected between her and accused Hardeep Singh before Mediation and Conciliation Centre of Hon'ble Punjab and Haryana High Court, Chandigarh. She has further stated that she no objection in quashing the FIR in question against accused Hardeep Singh.

Accused Hardeep Singh has also stated that he has compromised the matter voluntarily with complainant Navjot Kaur, without any pressure, threat or coercion. He alongwith complainant Navjot Kaur have filed a joint petition under Section 13-B of Hindu Marriage Act, in which, first motion of statements have already been recorded on 02.09.2020 in the Court of Ms. Jitender Walia learned Addl. District Judge, Sangrur and same is pending for 03.03.2021 for recording the second motion of statement. He has identified his signatures on the copy of compromise dated 19.08.2020 Mark-A effected between him and complainant Navjot Kaur before Mediation and Conciliation Centre of Hon'ble Punjab and Haryana High Court, Chandigarh. He has further stated that F.I.R may kindly be quashed against him.

It is submitted that the compromise as per statements of complainant Navjot Kaur and accused Hardeep Singh has been arrived at voluntarily and without any pressure, coercion or undue influence between them."

Respondent No.1-State has not filed any reply to the petition.

I have heard learned Counsel for the petitioner, learned State Counsel and learned Counsel for respondent No.2 and gone through the relevant record.

It is now well settled that the High Court has inherent power to quash the criminal proceedings in non-compoundable cases on the basis of settlement between the parties for securing the ends of justice or to prevent abuse of the process where the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case. Criminal cases having overwhelmingly and predominantly civil character particularly those arising out of commercial transaction or arising out of matrimonial relationship or family dispute can be quashed when the parties have resolved their entire dispute among themselves. However, such power cannot be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape dacoity, etc. which are not private in nature and have a serious impact on society. Similarly, prosecution for offences alleged to have been committed under special enactments like the Prevention of Corruption Act or the offences committed by public servant while working in that capacity cannot be quashed on the basis of compromise between the victim and the offender. For judicial precedents in this regard, reference may be made to ***For judicial precedents in this regard, reference may be made to Kulwinder Singh and others Vs. State of Punjab and others (Punjab and Haryana High Court) : 2007 (3) RCR (Criminal) 1052, Narinder Singh Vs. State of Punjab (Supreme Court) : 2014 (2) RCR (Criminal) 482 and State of Madhya Pradesh Vs. Laxmi Narayan and others (Supreme Court) : 2019 (2) RCR (Criminal) 255.***

A perusal of the report of learned Chief Judicial Magistrate, Sangrur reveals that the matter has been compromised by the parties with their free consent, voluntarily and without any coercion or undue influence.

Learned State Counsel has no objection in case the aforesaid FIR along with all subsequent proceedings arising therefrom is quashed on the basis of compromise effected between the parties in this case.

The offences involved in the present case are overwhelmingly and predominantly of private character and do not have any social impact. The parties resolved their entire dispute among themselves and the compromise was arrived at between the parties at the initial stage whereby they decided to part ways. The compromise will also contribute to peace and harmony in the society. In view of the facts and circumstances of the case, the possibility of conviction of the petitioner is remote and bleak. Continuation of this case will put the petitioner to great oppression and extreme injustice would be caused to the petitioner if the FIR and all consequential proceedings are not quashed.

In view of the above, the petition is allowed and FIR No.108 dated 10.05.2020 registered under Sections 498-A and 406 of the IPC at Police Station City-I, Sangrur (**Annexure P-1**) is quashed with all consequential proceedings arising therefrom against the petitioner.

25.03.2021

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(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No